

BRIAN KEITH OWENS §  
v. § CIVIL ACTION NO. 9:07cv272  
DIRECTOR, TDCJ-CID §

The Petitioner Brian Keith Owens, proceeding *pro se*, filed this application for the writ of habeas corpus complaining of the legality of his conviction. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Owens was convicted of the offense of sexual assault of a child, receiving a sentence of life in prison. He raised five grounds for relief, but withdrew two of these. The Magistrate Judge ordered the Respondent to answer, and the Respondent filed an answer arguing that Owens' claims lacked merit and that the statute of limitations had expired. Owens did not file a response to the answer.

After review of the pleadings, the Magistrate Judge issued a Report on December 15, 2008, recommending that the petition be dismissed with prejudice and that Owens be denied a certificate of appealability *sua sponte*. Owens received a copy of this Report on or before December 29, 2008, but filed no objections thereto; he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the

district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly


ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Brian Keith Owens is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this cause are hereby DENIED.

**SIGNED** this the 28 day of **April, 2009**.

  
Thad Heartfield  
United States District Judge